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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/490,061	Applicant(s) KAWAOKA, YOSHIKI	
	Examiner HUNG Q. PHAM	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 09/28/2005 have been fully considered but they are not persuasive.

As argued by applicants at pages 6 and 7:

Fukada states "when the present invention is carried out by a system in a laboratory ... a printing system, for example, can be made to comprise a counter for counting a reception number. Every time one memory card is accepted, the counter is incremented and the identifying number is assigned by a combination of the reception number and a serial number." In other words, Fukada merely discloses that a counter is kept to count the number of memory cards loaded into the printing system. Based on the count number - i.e. the reception number -in combination with a serial number, an identifying number may be expressed. As disclosed, the identifying number uniquely identifies the particular file number.

...

Fukada is silent regarding whether a last file number of the image files that have been recorded on the second loadable and removable recording medium is readout as featured in independent claims 7 and 10. Therefore, independent claims 7 and 10 are distinguishable over Fukada.

Examiner respectfully disagrees.

As recited in claims 7 and 10, especially claim 10:

*reading out a last file-number of file-numbers for image files that have been recorded on the second loadable and removable recording medium;
incrementing the read out last file-number.*

As disclosed by Fukada, if the method is carried out by a system in a laboratory rather than a personal computer, a counter is used for counting a 4 digits reception number. Every time one memory card is accepted, the counter is incremented and the identifying number is assigned by a combination of the reception number and a serial

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number, e.g., if “flower040300011001” to “flower0403000110010” are from the first memory card, the first file name of the second memory card is “flower04030002001” (Col. 7, Lines 18-35). As seen, when the first memory card accepted, the previous reception number was 0000 and the counter incremented 0000 by one to have 0001 as the reception number for the first memory card. In order to have the reception number for the second memory card, e.g., 0002, the counter retrieves the previous reception number, e.g., 0001, and increments by one. Thus, the previous reception number, e.g., 0001, *as a last file number of a plurality of reception numbers, e.g., 0000 and 0001, as file numbers for image files that have been recorded on the second recording medium, e.g.,* “flower040300011001” to “flower040300011010”, is *read out and incremented* by the counter.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claim 14 and 18, the claimed *the numerical characters of the file names of the files are consecutively numbered regardless even when image files from a plurality of first loadable and removable recording mediums are read out and recorded on the second loadable and removable recording medium* WAS not described in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].

Regarding claims 7 and 10, Fukada teaches a method and device for *reading out an image file that has been recorded on a first loadable and removable recording medium and recording said image file on a second recording medium* (Fukada, Col. 1, Lines 6-15), comprising the steps of:

reading out a last file-number of file-numbers for image files that have been recorded on the second recording medium, and incrementing the read out last file-number (As illustrated at Col. 7, Lines 18-

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35, a laboratory system implies *a second recording medium* is included in the system. As illustrated at Col. 7, Lines 18-35, if the method is carried out by a system in a laboratory rather than a personal computer, a counter is used for counting a reception number. Every time one memory card is accepted, the counter is incremented and the identifying number is assigned by a combination of the reception number and a serial number, e.g., if "flower04030001001" to "flower040300010010" are from the first memory card, the first file name of the second memory card is "flower04030002001". As seen, when the first memory card is accepted in the system, the reception number at that time is 0000 and the counter increments 0000 by one to have 0001 as the reception number for the first memory card. In order to have the reception number for the second memory card, e.g., 0002, the counter retrieves the previous reception number, e.g., 0001, and increments the previous reception number by one. Thus, the previous reception number, e.g., 0001, as *a last file number of a plurality of reception numbers*, e.g., 0000 and 0001, as *file numbers for image files that have been recorded on the second recording medium*, e.g., "flower04030001001" to "flower04030001010", is *read out and incremented* by the counter);

changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number and recording the read image file on the second recording medium (Col. 6, Lines 12-25, *flower0403* as *a file name of the image file that has been read out* from a memory card as *the first loadable and removable recording medium* is changed to *flower04030002001* as *the incremented file-number*, and recorded in laboratory system as *the second recording medium*) *without checking for duplicate file names in the second recording medium* (Col. 7, Lines 25-28),

wherein the file name includes numerical characters (Col. 6, Lines 12-25, e.g., *flower0403*).

Fukada fails to disclose the second recording medium is *loadable and removable*. However, Fukada uses a conventional computer as the device for processing image files. The conventional computer as disclosed, obviously, has a loadable and removable recording medium such as floppy disk or CD. Fukada further makes a strong suggestion, the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5). Thus, instead of processing in a hard drive, a loadable and removable recording medium such as a high capacity disk could be used for storing, e.g., CD.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding claims 8 and 11, Fukada teaches all the claimed subject matters as discussed in claims 7 and 10, Fukada further discloses the steps of *grouping image files*,

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which have been recorded on the second loadable and removable recording medium according to the types of images represented by the image files (Col. 5, line 49-Col. 6, line 7).

Regarding claims 9 and 12, Fukada teaches all the claimed subject matters as discussed in claims 8 and 11, Fukada further discloses the step of *recording a file name corresponding to each group on the second loadable and removable recording medium* (Col. 5, line 49-Col. 6, line 7).

Regarding claims 13 and 17, Fukada teaches all the claim subject matters as discussed above with respect to claims 7 and 10, Fukada further discloses *file names of the files in the second loadable and removable recording medium are such that the numerical characters of the file names of the files are consecutively numbered* (Col. 7, Lines 25-35).

Regarding claims 14 and 18, Fukada teaches all the claim subject matters as discussed above with respect to claims 13 and 17, Fukada further discloses *the numerical characters of the file names of the files are consecutively numbered regardless even when image files from a plurality of first loadable and removable recording mediums are read out and recorded on the second loadable and removable recording medium* (Col. 7, Lines 25-35).

Regarding claims 15 and 19, Fukada teaches all the claim subject matters as discussed above with respect to claims 7 and 10, Fukada further discloses *the incrementing device always increments the last file-number by a predetermined amount* (Col. 7, Lines 20-39).

Regarding claims 16 and 20, Fukada teaches all the claim subject matters as discussed above with respect to claims 15 and 19, Fukada further discloses *the predetermined amount is 1* (Col. 7, Lines 20-39).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUNG Q PHAM
Examiner
Art Unit 2168

November 30, 2005

